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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,248	08/17/2000	Peter H. Wolf	WOLF-38176	6241

7590

11/08/2002

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EXAMINER

CHANG, SABRINA A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,248

Applicant(s)

WOLF, PETER H.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 13, 16, 18, 21 – 24, 31, 33, 34, 37-39, 46, and 48 are rejected under 35 U.S.C. 102(a) as being anticipated by the service Club Photo™ as displayed in the pages of www.clubphoto.com excised from “The Wayback Machine” (web.archive.org) dated April 17, 1999.

Club Photo discloses an on-line event photo proofing, viewing and purchasing service. Professional photographers register with Club Photo each upcoming event and obtain a password related to the occasion. The photographer imports the digitally formatted event photos into Club Photo’s living Album software. The “living album” software creates a searchable database of the photographs that can store an unlimited number of photos. The photos can be found and purchased online using keywords in captions/descriptions or by date/time. The service inherently includes informing the event participants of the password, in order to provide access to the album.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 14, 15, 25, 32, 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the service Club Photo™ as displayed in the pages of www.clubphoto.com excised from “The Wayback Machine” (web.archive.org) dated April 17, 1999 in view of official notice regarding managing of sporting events.

ClubPhoto does not disclose that:

- Data used to aid participants in finding their desired photos includes a number corresponding to a number worn by an event participant
- An event participant can search for a particular photograph by an approximate time, where the approximate time is calculated by an equation relating distance and time of the entire event.

It is well known in the art of sporting events that participants wear numbers for easy identification. It would have been obvious to modify the system of ClubPhoto such that event participants, in this case sporting even participants, could search for pictures of themselves by using their identification number, as taught by official notice, in order to make photograph identification and retrieval easier.

It is also well known in the art of sporting events that event participants are able to estimate their “progress” in the event – e.g. placement in a race – given the distance and expected duration of the event. It would have been obvious to modify the ClubPhoto service to allow event participants to estimate a time frame, as taught by official notice, and search the photos by the estimated time frame in order to broaden their searching capabilities.

Claims 5 – 12, 26 – 30, 41 – 45 rejected under 35 U.S.C. 103(a) as being unpatentable over service Club Photo™ as displayed in the pages of www.clubphoto.com excised from “The

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Wayback Machine” (web.archive.org) dated April 17, 1999 in view of “21st Century Technology is Coming to L.I. Running” (March 3, 1998. Plainview Old Bethpage Herald) in further view of “Toll-booth torment” (Sharn, Lori. June 30, 1993. USA Today).

ClubPhoto discloses a website where event participants can view and purchase photos of their event. Participants search for photos using the date of the event or the name of the parties involved.

ClubPhoto does not explicitly disclose a system where:

- Photo-identifying data includes a code from a component worn by an event participant
- A sensor that interfaces with the component
- The component is passive
- The passive component includes a bar code
- The passive component includes an inductive circuit
- The component comprises an active component
- The active component includes a transmitter

“21st Century” teaches a technology in which race-runners (event participants) are uniquely identified by his/her “champion chip”. As the runners cross a series of rubber mats, which contain antennae that send signals to the chips, the runner’s position and time is logged. It would have been obvious to modify the ClubPhoto system to include identification by a chip worn by an event participant, as taught by “21st Century”, in order to provide another means of participant identification.

Neither ClubPhoto nor “21st Century” provides that a camera is triggered when the component passes a predetermined point. “Toll-booth” torment teaches a system in which photographs are taken when a car with a particular tag (component) passes over it. While “toll-booth” does not teach that the camera is activated in an event environment or that the resulting

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photos are available for sale, the invention does solve a similar problem in that it associates an image with a unique identifier.

It would have been obvious to modify the system of ClubPhoto/"21st Century" to provide for a system where the identifying "chip" (component) would also trigger a camera and that the resulting photographs would be associated with the chip's unique identifier, as taught by "Toll-booth", in order to make event participant and photograph identification more straightforward.

Claims 17, 19, 20 35, 36, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over service Club Photo™ as displayed in the pages of www.clubphoto.com excised from "The Wayback Machine" (web.archive.org) dated April 17, 1999 in view of Garfinkle et al. U.S. Patent No. 6,017,517.

Club Photo discloses a website where event participants can view and purchase photos of their event. Participants search for photos using the date of the event or the name of the parties involved.

Club Photo does not explicitly disclose:

- Providing an digital camera that immediately downloads photos from the event to a server
- Mailing the photograph using information provided by the event participant
- Electronically transferring the photograph to the ordering party

Garfinkle et al. teaches an online photo ordering system where a photographer can upload digital images directly from a digital camera [Col 3, Lin 51] and mail, by postal or email system, the images to a specified location [Col 5, Line 20].

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It would have been obvious to modify ClubPhoto to incorporate automated uploading capabilities, as taught by Garfinkle et al., in order to minimize the amount of effort required to digitize the event photographs – i.e. the omission of scanning hard copies.

It also would have been obvious to modify ClubPhoto to incorporate photo delivery capabilities of any means, electronic or otherwise, as taught by Garfinkle et al., in order to fulfill the customers' orders in as many ways as possible.

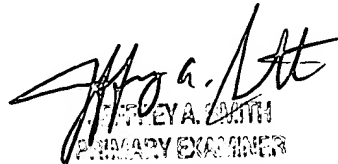
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC
October 30, 2002



JEFFREY A. SMITH
PRIMARY EXAMINER